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DIVISION OF STATE COUNSEL  
LITIGATION BUREAU

July 9, 2020

**Via ECF**

The Hon. Valerie E. Caproni  
United States District Judge  
Southern District of New York  
40 Foley Square, Room 443  
New York, New York 10007

**MEMO ENDORSED**

Re: Fletcher v. Medgar Evers College, CUNY, et al., No. 20 Civ. 4163 (VEC) (SDA)

Your Honor:

I am an Assistant Attorney General in the Office of Letitia James, Attorney General of the State of New York. This Office represents The City University of New York ("CUNY") as a defendant in this action. I write to request two adjournments:

(1) an adjournment of the initial pre-trial conference scheduled for July 24, 2020, and the filings required by the order scheduling the conference (ECF 7), for approximately 60 days, until Friday, September 25, 2020. This is the first request for an adjournment of the conference and related filings. Counsel for defendant Council Member Laurie Cumbo joins in this request, and plaintiff's counsel consents to this adjournment.

(2) an adjournment of time for the remaining defendants, Medgar Evers College, CUNY, Rudolph Crew, Félix V. Matos Rodriguez, Alexis McLean and Johnathon P. Hardaway (together, the "State Defendants"), to answer, move or otherwise respond to the complaint for 60 days from August 3 to October 2, 2020.<sup>1</sup> This is the first request for an adjournment of this deadline. Counsel for defendant Cumbo joins in this request, and plaintiff's counsel consents to these adjournments.

There are two reasons for these requests. *First*, plaintiff's counsel and I have had multiple calls and emails to discuss an early settlement of this case, and believe we have made substantial progress. We would prefer to focus on settlement talks now rather than litigate and incur fees.

*Second*, while this Office has determined to represent CUNY in this action, we are currently making representation determinations pursuant to Public Officers Law § 17 regarding the remaining State Defendants. While this Office is not presently representing those defendants in this action,

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<sup>1</sup> Medgar Evers College is a senior college and a constituent of CUNY, has no separate legal existence apart from CUNY, and CUNY is the only proper institutional defendant. *See* N.Y. Educ. Law §§ 6202(5), 6203; *Clissuras v. CUNY*, 359 F.3d 79, 81 n. 2 (2d Cir. 2004).

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this extension is requested on their behalf for the limited purpose of protecting their litigation interests and avoiding default while this Office conducts the investigation required to make its representation determinations pursuant to Public Officers Law § 17.<sup>2</sup> The extension will also permit this Office to investigate plaintiff's allegations, research the relevant law and draft appropriate responses to the complaint.

For these reasons, we respectfully request, with plaintiff's consent, that your Honor adjourn the initial pre-trial conference, and the filings required by the order scheduling the conference, to September 25, 2020, and that the time for the defendants to answer, move or otherwise respond to the complaint be extended to October 2, 2020.

Respectfully submitted,  
/s/Jonathan A. Siegel  
Jonathan A. Siegel, Assistant Attorney General

cc: Remy Green, Esq. (via email and ECF)  
Brian Krist, Esq. (via email)

Application GRANTED. The initial conference is adjourned to **September 25, 2020, at 11:00 A.M.** The dial-in information for the teleconference remains the same. Joint pre-conference submissions are due by **September 17, 2020.** Defendants' time to answer or otherwise respond is adjourned to **October 2, 2020.** Given the lengthy extension, further extensions are unlikely to be granted.

SO ORDERED.

Date: 07/09/2020



HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> Public Officers Law § 17(c) reads: "Where the employee delivers process and a request for a defense to the attorney general as required by subdivision four of this section, the attorney general shall take the necessary steps including the retention of private counsel under the terms and conditions provided in paragraph (b) of subdivision two of this section on behalf of the employee to avoid entry of a default judgment pending resolution of any question pertaining to the obligation to provide for a defense."